

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>METROPOLE TENANTS ASSOCIATION,</b>	:	<b>Case No. 1:10-CV-558</b>
<b><i>et al.,</i></b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>(Judge Michael R. Barrett)</b>
	:	
<b>vs.</b>	:	
	:	
<b>SHAUN DONOVAN, <i>et al.,</i></b>	:	
	:	
<b>Defendants.</b>	:	

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**ORDER CONDITIONALLY CERTIFYING RULE 23 SETTLEMENT CLASS  
AND PRELIMINARILY APPROVING  
RULE 23 CLASS ACTION SETTLEMENT AGREEMENT**

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This matter is before the Court on the Joint Motion For Order Conditionally Certifying Rule 23 Settlement Class And Preliminarily Approving Rule 23 Class Action Settlement Agreement (“Joint Motion”) filed by Plaintiffs Derwin Tate and the Metropole Tenants Association, through its representatives Derwin Tate, Emmanuel Green, Ed Carter, Frank Dautrich, Michael Glasper, and Gary Jesswein and Defendants Cincinnati Center City Development Corporation, Azeotropic Partners, LLC, The Model Group, Inc., and Brickstone Properties, LLC (collectively, “the Parties”). The Court having considered the Joint Motion the Rule 23 Class Action Settlement Agreement between the Parties (“Class Action Settlement Agreement”), the other exhibits to the Joint Motion, the arguments of counsel, the proceedings at the Court-administered settlement conference, and being otherwise fully advised, hereby finds and orders as follows:

1. The following class is preliminarily certified under Fed. R. Civ. P. 23(a) and 23(b)(2), pursuant to the Class Action Settlement Agreement and for settlement purposes only: all persons who were residents of the Metropole Apartments as of November 3, 2009 (“the Class”). The Class is certified to decide on a class-wide basis whether the terms of the settlement between the Parties are fair, reasonable and adequate pursuant to Fed. R. Civ. P. 23(e) and applicable law.

2. Derwin Tate, Emmanuel Green, Ed Carter, Frank Dautrich, Michael Glasper, and Gary Jesswein are preliminarily approved as representatives of the above-defined Class (“Class Representatives”). Robert Wavre (at his request, as communicated by Plaintiff’s counsel) is removed as a named Plaintiff but remains a member of the Class. The Class Representatives will fairly and adequately protect the interests of the other members of the Class.

3. The following are approved as counsel to the Class and are preliminarily appointed as counsel for purposes of settlement only (“Class Counsel”):

Terence R. Brennan, Esq.  
THE BRENNAN LAW OFFICE  
30 Garfield Place, Suite 600  
Cincinnati, OH 45202

Jennifer M. Kinsley, Esq.  
SIRKIN KINSLEY & NAZZARINE, CO., LPA  
810 Sycamore Street, 2nd Floor  
Cincinnati, OH 45202

4. The settlement set forth in the Rule 23 Class Action Settlement Agreement and the Class Action Settlement Agreement between the Parties is preliminarily approved as fair, reasonable, adequate, within the range of possible approval, and in the best interests of the Class, subject to a hearing for final approval as provided herein.

5. The Court preliminarily finds the Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing ("Class Notice") is fair, reasonable, and adequate in all respects for the purpose of notifying the Class of the terms of the proposed settlement, the fairness hearing, and the rights of the Class members with regard to the settlement, and finds that the Class Notice is the best notice that is practicable under the circumstances.


6. Class Counsel and the Settlement Administrator established by the Class Action Settlement Agreement are directed to provide the Class Notice to all members of the Class in the manner set forth in the Class Action Settlement Agreement.

7. A fairness hearing is set for September 21, 2011 at 9:30 a.m. ("Fairness Hearing") to determine whether the proposed settlement is fair, reasonable and adequate, and should be finally approved, and to consider an application by Class Counsel for an award of attorneys' fees, payments to the Class Representatives, and expenses.

8. Any member of the Class who wishes to object to any part of the settlement shall file with the Court, and serve on counsel for the Parties, written notice of his or her intent to appear at the hearing together with copies of his or her written objections, not later than September 12, 2011. No person shall be permitted to object at the Fairness Hearing unless they have filed a notice and written objections by September 12, 2011.

SO ORDERED.

Date: July 13, 2011

  
Michael R. Barrett  
United States District Judge